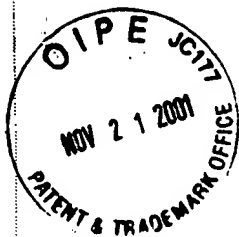


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

STEINLEIN *et al.*

Appl. No. 09/555,211

Filed: December 27, 2000

For: Method of Measuring the
Apoptosis

Art Unit: 1642

Examiner: Tran, M.

Atty. Docket: 0652.2080000/EKS/PSC

**Declaration of Peter Steinlein
Under 37 C.F.R. § 1.132**

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Peter Steinlein, hereby declare and state as follows:

1. I am a named inventor of the captioned application.
2. I, together with Gábor M. Lamm, Matt Cotten and Gerhard Christofori, co-authored the publication entitled "A rapid, quantitative and inexpensive method for detecting apoptosis by flow cytometry in transiently transfected cells," published in *Nucleic Acids Research* 25:4855-57 (1997), which has been cited against the present application. Matt Cotten provided the adenoviral transfection system described in the paper. Matt Cotten did not contribute to the conception of the invention claimed in the captioned application.
3. Johannes Hoffman is listed as a co-inventor in the captioned application. Together with me, Johannes Hoffman determined and optimized the parameters of the FACS analysis in the course of experiments unrelated to the present invention. These parameters were applied to the

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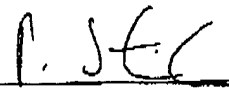
STEINLEIN *et al.*
Appl. No. 09/555,211

present invention. Thus, through Johannes Hoffman's pre-experiments, he made an essential contribution to the invention but was not listed in the publication described in paragraph 2, *supra*, which presents a specific application of the claimed invention.

4. I further declare that all statements made herein are of my own knowledge and are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

19/11/2001

Date


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